

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Glenn Johnson

Write the full name of each plaintiff.

23 CV. 5264(VSB)(GWG)
(Include case number if one has been assigned) **FIRST**

-against-

AMENDED
COMPLAINT
(Prisoner)

CITY OF NEW YORK, NEW YORK CITY TRANSIT BOROUGH

MANHATTAN TASK FORCE, Police Officer CLAUDIO DIAZ

Do you want a jury trial?

☒ Yes ☐ No

#:16786, Lieutenant Lyndon Tuckett #:00000,

Police Officer THOMAS GERDING #:1527, P.O. JAMES PALLADINO #:15232

SERGEANT THOMAS DALEY #:3644, P.O. ANGEL CASTILLO #:13377

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: FALSE ARREST, MALICIOUS PROSECUTED, FALSE IMPRISONMENT

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Glenn</u>		<u>Johnson</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

I.D. 349220/707 ["]DIN #: 2383958["] NYSID #: 04161411K
 Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

CLINTON CORRECTIONAL FACILITY
 Current Place of Detention

P.O. BOX 2000, DANDEMORA NEW YORK 12929
 Institutional Address

<u>DANDEMORA</u>	<u>NEW YORK</u>	<u>12929</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: CLAUDIO DIAZ #16286
 First Name Last Name Shield #
POLICE OFFICER N.Y.P.D.
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE DISTRICT 1
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 2: LYNDON TUCKETT #00000
 First Name Last Name Shield #
TRANSIT BOROUGH MANHATTAN TASK FORCE (LIEUTENANT)
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE DISTRICT 1
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 3: THOMAS DALEY #3644
 First Name Last Name Shield #
SERGEANT N.Y.P.D.
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE DISTRICT 1
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 4: ANGEL CASTILLO #13377
 First Name Last Name Shield #
POLICE OFFICER N.Y.P.D.
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE DISTRICT 1
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: SUBWAY STATION 8TH AVENUE AND WEST 42ND STREET NEWYORK, N.Y.

Date(s) of occurrence: OCTOBER 2, 2019

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

THE FOLLOWING IS A SUMMARY AND DOES NOT INCLUDE ALL DETAILS CONCERNING THE INCIDENT. CASE # CR-031602-19 NY. CLAIMANT WAS ILLEGALLY STOPPED, SEARCHED AND ARRESTED, WITHOUT CAUSE OR JUSTIFICATION. CLAIMANT WAS FALSELY ARRESTED IMPRISONED AND MALICIOUSLY PROSECUTED BASED UPON "LIES" TOLD BY THE NYPD POLICE OFFICERS JOHN AND JANE DOES 1-6 AND THE FAILURE OF OTHER OFFICERS TO INTERVENE. ON OCTOBER 02, 2019, AT 8:05 P.M. IN THE SUBWAY STATION AT 8TH AVENUE AND WEST 42ND STREET IN THE COUNTY AND STATE OF NEWYORK, CLAIMANT WAS UNLAWFULLY STOPPED, SEARCHED AND ARRESTED, CLAIMANT DID NOT COMMIT ANY CRIMINAL ACTS ASSAULT IN THE THIRD DEGREE, CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, AGGRAVATED HARRASSMENT IN THE SECOND DEGREE, SALE OR POSSESSION OF A TEARGAS - NOT DNA ELIGIBLE. NOR DID HE ASSAULT ANY BODY WITH A WEAPON. BAIL WAS SET AT ARRAIGNMENT. ON OCTOBER 2, 2019, CLAIMANT CHARGES WAS ALL DROPPED AND "DISMISSED" ON AUGUST 11, 2022. CLAIM FOR PERSONAL, EMOTIONAL AND PHYSICAL INJURIES SUSTAINED BY CLAIMANT AS A RESULT OF INTENTIONAL, RECKLESS, AND NEGLIGENT CONDUCT BY AGENTS, SERVANTS AND EMPLOYEES OF THE CITY OF NEWYORK (CITY) AND THE NEWYORK CITY POLICE DEPARTMENT (NYPD).

RULE 8: REQUIRES A COMPLAINT TO INCLUDE ENOUGH FACTS TO STATE A CLAIM FOR RELIEF
"THAT IS PLAUSIBLE ON ITS FACE." BELL ATL. CORP. V. TWOMBLY, 550 U.S. 662, 678-79 (2007), 173 L. ED. 2D 968 (2009). A CLAIM IS FACIALLY PLAUSIBLE IF THE PLAINTIFF PLEADS ENOUGH
FACTUAL DETAIL TO ALLOW THE COURT TO DRAW THE INFERENCE THAT THE DEFENDANT IS
LIABLE FOR THE ALLEGED MISCONDUCT. IN REVIEWING THE COMPLAINT, THE COURT MUST
ACCEPT ALL WELL PLEADED FACTUAL ALLEGATION AS TRUE. HNB- IN ADDITION TO PROVING RULES
THAT GOVERN COMPLAINTS FED. R. CIV. P. 8 ALSO CONTAINS SEVERAL PROVISIONS THAT GOVERN
RESPONSIVE PLEADING TWO OF THEM ARE RULE 8(B)(1)(A) AND (8)(C). RULE 8(B)(1)(A)
GOVERN "DEFENSES" ADMISSIONS AND DENIALS. ASHCROFT V. IQBAL, 556 U.S. 662, 678-79
 129 S. CT. 1937, 173 L. ED. 2D 968 (2009),
INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

THE CLAIMANT WAS SUBJECTED TO PERSONAL AND PHYSICAL INJURIES, AN UNLAWFUL SEIZURE,
FALSE ARREST AND IMPRISONMENT, MALICIOUS PROSECUTION, ABUSE OF PROCESS, NEGLIGENCE,
INTENTIONAL AND NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS, HARASSMENT, UNCONSTITUTIONAL
CONDITIONS OF CONFINEMENT, AND TO A DEPRIVATION OF, HIS CONSTITUTIONAL, CIVIL AND COMMON
LAW RIGHTS. AS A RESULT OF THE OFFICERS ACTIONS, CLAIMANT EXPERIENCED PERSONAL,
PHYSICAL AND EMOTIONAL INJURIES, PAIN AND SUFFERING, FEAR, AND INVASION OF PRIVACY

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

PSYCHOLOGICAL PAIN, EMOTIONAL DISTRESS, MENTAL ANGUISH, EMBARRASSMENT, AND HUMILIATION.
CLAIMANT WAS INCARCERATED FROM OCTOBER 2, 2019 UNTIL AUGUST 11, 2022. CLAIMANT
ATTENDED MULTIPLE COURT APPEARANCES. CASE DISMISSED AUGUST 11, 2022. CASE # CR-031602-PNY
"ALSO DAMAGES FOR CAR LOSS GMC TERRAIN 2010 AND SOCIAL SECURITY DISABILITY STOPPED
\$780.00 MONTHLY." SEEKS DAMAGES FOR HIS LOSS OF LIBERTY FROM BEING DETAINED FOR
NEARLY 12 MONTHS EMOTIONAL PAIN AND SUFFERING THAT CAUSED HIM EMOTIONAL PAIN MENTAL
ANGUISH SIGNIFICANT LOSS OF SLEEP, HUMILIATION AND EMBASSMENT IN FRONT OF HIS FAMILY
PARANOIA FROM A FEAR OF BEING FALSELY TARGETED AGAIN BY LAW ENFORCEMENT AND
A LOSS IN HIS SENSE OF SECURITY IN HIS OWN NEIGHBORHOOD. TOTAL AMOUNT CLAIMED \$1,000,000

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>11/7/23</u>		<u>Glenn Johnson</u>	<u>"Prose"</u>
Dated		Plaintiff's Signature	
<u>Glenn</u>	<u></u>	<u>Johnson</u>	
First Name	Middle Initial	Last Name	
<u>CLINTON CORRECTIONAL FACILITY P.O. BOX 2000 DANNEMORA, NEW YORK 12929.</u>			
Prison Address			
<u>DANNEMORA</u>	<u>NEW YORK</u>	<u>12929.</u>	
County, City	State	Zip Code	

Date on which I am delivering this complaint to prison authorities for mailing: 11/7/23

11/7/23

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

500 PEARL STREET, PROSE INTAKE UNIT

NEW YORK, NEW YORK 10007.

23 cv. 5264 (VSB) (GWG) FIRST AMENDED COMPLAINT

DEFENDANT 5: THOMAS GERDING #: 1527, "Police Officer" N.Y.P.D. TRANSIT BOROUGH
MANHATTAN TASK FORCE DISTRICT 1 NEW YORK, NEW YORK 10019.

DEFENDANT 6: JAMES PALLADINO #: 15232, "Police Officer" N.Y.P.D. TRANSIT BOROUGH
MANHATTAN TASK FORCE DISTRICT 1 NEW YORK, NEW YORK 10019.

Respectfully Submitted,

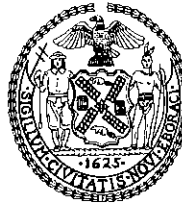
Stenn Johnson "PROSE"

DIN: 2383958

CLINTON C.F.

P.O. BOX 2000 DANMORA,

NEW YORK 12929.



THE CITY OF NEW YORK
LAW DEPARTMENT

100 Church Street
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

LUCA DIFRONZO
Assistant Corporation Counsel
(212) 356-2354
ldifronz@law.nyc.gov

October 30, 2023

VIA ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Johnson v. the City of New York, et al., 23-CV-5264

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for the City of New York in the above matter. Pursuant to the Court's June 30, 2023 Order, I respectfully write to fulfill the City's Valentin obligations. (See ECF No. 6).

By way of relevant background, plaintiff brings claims of false arrest and malicious prosecution arising from his October 2, 2019 arrest by members of the NYPD's Transit Borough District 1 Manhattan Task Force. (See ECF No. 1). In his complaint, plaintiff identifies Officer Claudio Diaz and Lieutenant Lyndon Tuckett as defendants, and further names several unidentified officers as parties here.¹ (See id.) The Court subsequently ordered this Office to identify the John Doe officers and to provide service addresses for all NYPD defendants plaintiff intends to sue in this action. (See ECF No. 6).

Upon information and belief, the John Doe NYPD defendants in this matter are:

- Sergeant Thomas Daly (Shield No. 3644)
- Officer Angel Castillo (Shield No. 13377)

¹ While plaintiff purports to name six John Doe defendants, NYPD records indicate that only six total officers were involved in his October 2, 2019 arrest—two of whom plaintiff already identifies in his complaint.

- Officer Thomas Gerding (Shield No. 1527)
- Officer James Palladino (Shield No. 15232)

As active members of the NYPD Manhattan Brough's Transit District 1 Task Force, defendants Castillo and Palladino may be served at the NYPD station within the 59th Street/Columbus Circle Subway Station, c/o Manhattan Transit District 1 Task Force, New York, NY 10019. Defendant Gerding may be served 1 Police Plaza Path, New York, NY 10038. Finally, NYPD legal has reached out to Sgt. Daly, who has retired from city employment, to inquire whether they can accept service on his behalf, and, accordingly, I respectfully request a two-week extension to provide the Court with an address at which he may be served.²

The City thanks the Court for its consideration in this matter.

Respectfully Submitted,



Luca Difronzo
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007
(212) 356-2354
ldifronz@law.nyc.gov

VIA POSTAL MAIL

Glenn Johnson
DIN 23B3958
Clinton C.F.
P.O. Box 2000
Dannemora, NY 12929

² Due to plaintiff's incarceration status, I was unable to obtain his position on this request.

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

CLINTON CORRECTIONAL FACILITY

P.O. BOX 2400
DANNEMORA, NEW YORK 12929

Clinton



NAME: Glenn Johnson

DIN: 2383958

Correctional Facility

NEOPO
11/08/23
US PO
ZIP 12929
41M11272305



RECEIVED
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NOV 17 2023
500 PENAL STREET, PROSE INTAKE UNIT
NEW YORK, NEW YORK 10007
PRO SE OFFICE

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**USDC
SDNY**

Legal Mail